

# NEWS

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# RELEASE

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## **Defendants prosecuted after appealing their district court convictions**

CHARLOTTE, N.C. – The DA's Misdemeanor Appeals Team held a special three-week court session with The Honorable Steve A. Balog presiding. In addition to calling cases in their assigned courtroom, cases were also called in every criminal superior trial courtroom as well as in two civil superior trial courtrooms at various times during the three-week session. There were 12 cases called for trial, 13 pre-trial motions were argued, and 12 defendants pled guilty. In total, 32 cases were heard.

*Note: Misdemeanors and infractions are originally prosecuted in district court in North Carolina. In criminal district court, a judge determines guilt, not a jury; this is commonly referred to as a "bench trial." However, defendants have a right to appeal a conviction from the district court to the superior court for a trial de novo. The new trial in superior court must be a jury trial, not a bench trial. In a de novo trial, the jury cannot be informed that a district court judge previously found the defendant guilty; further, a record of any evidence, including testimony, from district court may not be introduced. While the DA's Office prosecutes nearly 225,000 misdemeanors and infractions each year in district court in Mecklenburg County, each defendant is entitled to exercise his/her right to appeal to the superior court. When a misdemeanor or infraction occupies the limited time available in our superior courtrooms, it is the intent of the DA's Office to keep the public informed of the results through news releases like this one. Due to the volume of misdemeanors and infractions prosecuted in district court each day, reports like this are not possible for all of those cases.*

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